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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,677	01/02/2003	Young-dae Kim	023833-124	3821
21839	7590	11/02/2005	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			AMERSON, LORI BAKER	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/069,677

Applicant(s)

KIM, YOUNG-DAE

Examiner

L Amerson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/7/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1-4, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widerman in view of Pointer. Widerman teaches in figures 1-2a flexible plate but does not teach a plurality of projections or a weigh applying means. Thus, Pointer teaches in an analogous art a plate having a plurality of projections 20 and a weigh applying means 50. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Widerman in view of the teaching of Pointer such that projections provide a massaging effect on a users skin while exercising and weight means provides resistance. Regarding the language, "for pushing the abdomen down by gravity" and "for applying its weight to the abdomen" has not been given patentable weight because the limitations are purely functional in nature and do not recite any structure. Pointer discloses in Figures 5 and 8 a screw 62 fixed to the plate for applying the weight means. A weigh means having a filling (col. 6, lines 23-24) and retainer 64 fixed to the surface of the plate. Grips are included on Widerman 14 and Pointer 30.

b. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Widerman in view of Pointer and Kelly. Widerman teaches a flexible plate but

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does not teach a plurality of projections or a weigh applying means. Thus, Pointer teaches in an analogous art a plate having a plurality of projections 20 and a weigh applying means 50. Kelly also teaches a plurality of projections. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Widerman in view of the teaching of Kelly such that projections provide a massaging effect on a users skin while. Regarding the language, "for pushing the abdomen down by gravity" and "for applying its weight to the abdomen" has not been given patentable weight because the limitations are purely functional in nature and do not recite any structure.

c. Claims 5-6 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widerman and Pointer as applied to claim 1 above and further in view of Shigemori. Widerman teaches all of the limitations of the claimed invention except for the projections being a capable of emitting far infrared rays and a heat emitting, and thermal keeping plate including a plurality of permanent magnets. Thus, Shigemori teaches a mineral filling capable of emitting far infrared rays and a thermal plate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a plates between the flexible plate for producing heat and keeping the temperature of the users abdomen warm.

2. Note the device on Form 892. Any inquiry concerning this communication or earlier communications from the examiner should be directed to L Amerson whose

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telephone number is (571) 272-4971. The examiner can normally be reached on Mon.-Fri from 9-6 p.m. Interviews Tue. and Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lori Amerson